IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1946 OF 2005.
IN
WRIT PETITION NO. 8135 OF 2004.

Smt. Shalan Arun Gaikwad ... Applicant.
vs.
Bharat Sanchar Nigam Ltd. ... Respondent.

WITH

CIVIL APPLICATION NO. 1947 OF 2005.
IN
WRIT PETITION NO. 8138 OF 2004

Smt. Bharati Vijay Misal. ... Applicant.
vs.
Bharat Sanchar Nigam Ltd. ....Respondent.

Miss Alpa Javeri for the applicant.

Ms. Neeta Masurkar for the respondent.
(in both matters.)

CORAM: V.C. DAGA,J.
DATE : 6.12.2005.

P.C. :

. Herard learned Counsel for the petitioner.

2. These two civil applications are filed under section 17-B of the Industrial Disputes Act, 1947. Section17-B contemplates payment of last drawn wages during the pendency of the petition in the High Court or in the Supreme Court, if workman is not in the employement during the pendency of the petition. The workmen herein have filed applications and stated on oath that they are not employed any where

else and have no other means of livelihood. Such averments are to be found in paras 3 and 4 of the applications. The applications are supported by affidavits of the respective applicant.

3. In reply, the respondent has alleged that the applicants in both these applications are gainfully employed as domestic servants, without any details. Affidavit does not disclose source of information. On being asked, learned Counsel for the respondent-original petitioner submits that none of officers of the respondent are ready to affirm affidavit in this behalf. In this view of the submissions, replies filed by the respondents hardly need any consideration.

4. In the above view of the matter, both the civil applications are allowed in terms of prayer clause (a). Needless to mention that respondent is aware as to what was the last drawn wages of the applicants. Accordingly, respondents are directed to pay last drawn wages with other benefits to which workmen would be entitled to, on or before 5th day of every month, w.e.f. 1.1.2006; whereas payment of wages for the December 2005 should be made on or before 10th of December 2005. Needless to mention that in the event of any delay in payment, respondent would be liable to pay interest @ 10% p.a. on the delayed payments.